

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN HAMPTON,	:	CIVIL ACTION NO. 1:15-CV-898
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN E. WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of February, 2019, upon consideration of plaintiff's motion (Doc. 75) to substitute pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, wherein he requests that the court substitute a representative or successor of the deceased party Robin Lewis,¹ and the court noting that Rule 25(a)(1) authorizes the substitution of a proper party for a deceased party if the claim against the deceased is not extinguished, see FED. R. CIV. P. 25(a)(1), and it appearing that the claims against Robin Lewis were dismissed on March 21, 2016 while she was named as Jane Doe Chief Hearing Examiner of the Department of Corrections (see Docs. 31, 32), and the court further noting that decisions regarding party substitutions plainly rest within the court's discretion, see McKenna v. Pac. Rail Serv., 32 F.3d 820, 836 (3d Cir. 1994); FED. R. CIV. P. 25(a)(1) (providing that

¹ Robin Lewis died on December 21, 2015, before she was identified as a party to this action. (Doc. 61 ¶ 5). On May 4, 2018, defense counsel filed a suggestion of death upon the record. (Doc. 61). On July 16, 2018, plaintiff filed the instant motion to substitute. (Doc. 75).

the court “*may* order substitution of the proper party”) (emphasis added), it is hereby ORDERED that the motion (Doc. 75) is DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania